



General Assembly

January Session, 2011

**Amendment**

LCO No. 8534

**\*SB0116008534SD0\***

Offered by:

SEN. STILLMAN, 20<sup>th</sup> Dist.

REP. FLEISCHMANN, 18<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1160

File No. 510

Cal. No. 296

**"AN ACT CONCERNING THE DEVELOPMENT OF A MODEL  
TEACHER PERFORMANCE EVALUATION SYSTEM, AND  
TEACHER TENURE LAWS AND COOPERATIVE  
ARRANGEMENTS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 10-151b of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective July 1, 2012*):

5 (a) The superintendent of each local or regional board of education  
6 shall [continuously] annually evaluate or cause to be evaluated each  
7 teacher who has not attained tenure and continually evaluate or cause  
8 to be evaluated each teacher who has attained tenure, in accordance  
9 with [guidelines established by the State Board of Education,] the local  
10 teacher performance evaluation plan, developed pursuant to  
11 subsection [(c)] (b) of this section, [for the development of evaluation  
12 programs] and such other guidelines as may be established by mutual

13 agreement between the local or regional board of education and the  
14 teachers' representative chosen pursuant to section 10-153b. [,  
15 continuously evaluate or cause to be evaluated each teacher. An  
16 evaluation pursuant to this subsection shall include, but need not be  
17 limited to, strengths, areas needing improvement, strategies for  
18 improvement and multiple indicators of student academic growth.]  
19 Claims of failure to follow the established procedures of such local  
20 teacher performance evaluation [programs] plan shall be reported to  
21 the Commissioner of Education and subject to the grievance procedure  
22 in collective bargaining agreements. [negotiated subsequent to July 1,  
23 2004.] The superintendent shall report the status of teacher  
24 evaluations, including the frequency of evaluations and the number of  
25 teachers who have not been evaluated under the plan, to the  
26 Commissioner of Education and the local or regional board of  
27 education on or before June first of each year. For purposes of this  
28 section, the term "teacher" shall include each professional employee of  
29 a board of education, below the rank of superintendent, who holds a  
30 certificate or permit issued by the State Board of Education.

31 (b) [Each] (1) On or before July 1, 2012, each local and regional  
32 board of education and regional educational service center shall  
33 [develop and implement] adopt a local teacher performance evaluation  
34 [programs] plan developed by the committee described in subdivision  
35 (2) of this subsection and consistent with guidelines established by the  
36 State Board of Education, pursuant to [subsection (c) of this] section 2  
37 of this act, and consistent with the local professional development plan  
38 developed in accordance with the provisions of subsection (b) of  
39 section 10-220a.

40 (2) Each local teacher performance evaluation plan shall be  
41 developed by a committee composed of an equal number of members  
42 representing the local or regional board of education or regional  
43 educational service center and certified teachers employed by the  
44 board of education or regional educational service center selected by  
45 the exclusive bargaining representative for certified employees chosen  
46 pursuant to section 10-153b. Such committee shall be composed of no

47 fewer than four total members, but not more than twelve total  
48 members.

49 (3) Prior to the implementation of the local teacher performance  
50 evaluation plan, each local and regional board of education and  
51 regional educational service center shall conduct training programs for  
52 all teachers and administrators employed by the board of education or  
53 regional educational service center relating to the provisions of the  
54 local teacher performance evaluation plan adopted by the board or  
55 regional educational service center. Such training shall be completed  
56 by each teacher and administrator prior to an evaluation of a teacher or  
57 administrator under the local teacher performance evaluation plan.

58 (4) For the school year commencing July 1, 2012, and each school  
59 year thereafter, each local and regional board of education shall  
60 implement such local teacher performance evaluation plan.

61 [(c) On or before July 1, 2013, the State Board of Education shall  
62 adopt, in consultation with the Performance Evaluation Advisory  
63 Council established pursuant to section 10-151d, guidelines for a  
64 model teacher evaluation program. Such guidelines shall provide  
65 guidance on the use of multiple indicators of student academic growth  
66 in teacher evaluations. Such guidelines shall include, but not be limited  
67 to: (1) Methods for assessing student academic growth; (2) a  
68 consideration of control factors tracked by the state-wide public school  
69 information system, pursuant to subsection (c) of section 10-10a, that  
70 may influence teacher performance ratings, including, but not limited  
71 to, student characteristics, student attendance and student mobility;  
72 and (3) minimum requirements for teacher evaluation instruments and  
73 procedures.]

74 Sec. 2. (NEW) (*Effective July 1, 2011*) (a) On or before January 1, 2012,  
75 the State Board of Education shall adopt, in consultation with the  
76 Performance Evaluation Advisory Council established pursuant to  
77 section 10-151d of the general statutes, guidelines for use by local and  
78 regional boards of education and regional educational service centers

79 for the development of local teacher performance evaluation plans.  
80 Such guidelines shall provide guidance on the use of multiple  
81 indicators of student academic growth and development in teacher  
82 performance evaluations.

83 (b) The guidelines for local teacher performance evaluation plans  
84 shall include, but not be limited to: (1) Methods for assessing student  
85 academic growth and development; (2) methods for evaluating teacher  
86 performance that are based on educator knowledge and skill; (3) a  
87 consideration of control factors tracked by the state-wide public school  
88 information system, pursuant to subsection (c) of section 10-10a of the  
89 general statutes, that may influence teacher performance ratings,  
90 including, but not limited to, local conditions, student characteristics,  
91 student attendance and student mobility; (4) minimum requirements  
92 for teacher performance evaluation instruments and procedures; (5)  
93 provisions for the development and implementation of an ongoing  
94 training program to be offered by the local or regional board of  
95 education or regional educational service center for the school district  
96 to teachers who are employed by such school district and whose  
97 performance is being evaluated and to administrators who are  
98 employed by such school district and who are conducting the  
99 performance evaluations; (6) the provision of professional  
100 development for teachers and administrators based on individual or  
101 group needs that are identified through the performance evaluation  
102 process; (7) provisions for the creation of individual teacher  
103 improvement and remediation plans for teachers whose performance  
104 is found to be deficient. Such teacher improvement and remediation  
105 plans shall (A) identify resources, support and other strategies to  
106 address documented deficiencies for teachers whose performance is  
107 determined to be deficient, (B) be developed by the evaluating  
108 administrator, the teacher whose performance is found to be deficient  
109 and other persons deemed appropriate through a mutual agreement  
110 by a local or regional board of education or regional educational  
111 service center and the exclusive bargaining representative for certified  
112 employees chosen pursuant to section 10-153b of the general statutes,

113 and in the context of the most recent performance evaluation for the  
114 teacher whose performance is determined to be deficient, (C) include,  
115 but not be limited to, (i) a description of the reasons that a teacher's  
116 performance has been found to be deficient, (ii) a plan on how to  
117 improve such teacher's deficient performance, (iii) an articulation of  
118 measures and indicators of success, timelines and support for such  
119 teacher and periodic reviews of such teachers, (iv) an adequate time  
120 period, not to exceed the equivalent of one school year from the date a  
121 determination of deficiency has been made for a teacher, to improve  
122 and remediate such teacher's performance, and (v) the provision of  
123 resources and support by the local or regional board of education or  
124 regional educational service center to such teacher during the  
125 improvement and remediation period; (8) summative assessments to  
126 be conducted at the end of the improvement and remediation period of  
127 each teacher whose performance is found to be deficient. (A) Such  
128 summative assessments shall include determinations by the evaluating  
129 administrator on whether the teacher whose performance has been  
130 found to be deficient has made progress towards achieving the  
131 standards and goals set forth in such teacher's improvement and  
132 remediation plan. (B) Such summative assessments may include  
133 observations from other persons deemed appropriate through an  
134 agreement by a local or regional board of education or regional  
135 educational service center and the exclusive bargaining representative  
136 for certified employees chosen pursuant to section 10-153b of the  
137 general statutes; and (9) a procedure for notifying any teacher whose  
138 performance has been found to be deficient and who fails to  
139 successfully complete an improvement and remediation plan that such  
140 teacher shall be subject to a termination proceeding in accordance with  
141 the provisions of section 10-151 of the general statutes, as amended by  
142 this act.

143 Sec. 3. (NEW) (*Effective July 1, 2011*) On or before January 1, 2012,  
144 the State Board of Education shall develop, in consultation with the  
145 Performance Evaluation Advisory Council established pursuant to  
146 section 10-151d of the general statutes, an evaluator assessment to be

147 used in determining an administrator's competency in conducting  
148 teacher performance evaluations under the local teacher performance  
149 evaluation plan conducted pursuant to section 10-151b of the general  
150 statutes, as amended by this act. Such evaluator assessment shall  
151 include a determination from an independent observer of whether an  
152 evaluator's performance ratings properly align with the guidelines  
153 adopted by the State Board of Education pursuant to this section.

154 Sec. 4. Section 10-145b of the general statutes is amended by adding  
155 subsection (n) as follows (*Effective July 1, 2011*):

156 (NEW) (n) On and after January 1, 2013, the State Board of  
157 Education shall not issue or renew an administrator certificate to any  
158 applicant who does not satisfactorily complete the evaluator  
159 assessment described in section 3 of this act.

160 Sec. 5. Subsection (d) of section 10-151 of the general statutes is  
161 repealed and the following is substituted in lieu thereof (*Effective July*  
162 *1, 2012*):

163 (d) The contract of employment of a teacher who has attained tenure  
164 shall be continued from school year to school year, except that it may  
165 be terminated at any time for one or more of the following reasons: (1)  
166 Inefficiency or incompetence, provided, if a teacher is notified on or  
167 after July 1, 2000, that termination is under consideration due to  
168 incompetence, the determination of incompetence is based on  
169 evaluation of the teacher using teacher evaluation guidelines  
170 established pursuant to section 10-151b, as amended by this act; (2)  
171 insubordination against reasonable rules of the board of education; (3)  
172 moral misconduct; (4) disability, as shown by competent medical  
173 evidence; (5) elimination of the position to which the teacher was  
174 appointed or loss of a position to another teacher, if no other position  
175 exists to which such teacher may be appointed if qualified, provided  
176 such teacher, if qualified, shall be appointed to a position held by a  
177 teacher who has not attained tenure, and provided further that  
178 determination of the individual contract or contracts of employment to

179 be terminated shall be made in accordance with either (A) a provision  
180 for a layoff procedure agreed upon by the board of education and the  
181 exclusive employees' representative organization, or (B) in the absence  
182 of such agreement, a written policy of the board of education; [or] (6)  
183 failure to successfully complete an improvement and remediation plan  
184 following a finding that the teacher's performance was deficient under  
185 the teacher performance evaluation plan adopted by the local or  
186 regional board of education or regional educational service center; or  
187 (Z) other due and sufficient cause. Nothing in this section or in any  
188 other section of the general statutes or of any special act shall preclude  
189 a board of education from making an agreement with an exclusive  
190 bargaining representative which contains a recall provision. Prior to  
191 terminating a contract, the superintendent shall give the teacher  
192 concerned a written notice that termination of such teacher's contract is  
193 under consideration and, upon written request filed by such teacher  
194 with the superintendent, within seven days after receipt of such notice,  
195 shall within the next succeeding seven days give such teacher a  
196 statement in writing of the reasons therefor. Within twenty days after  
197 receipt of written notice by the superintendent that contract  
198 termination is under consideration, such teacher may file with the local  
199 or regional board of education a written request for a hearing. A board  
200 of education may designate a subcommittee of three or more board  
201 members to conduct hearings and submit written findings and  
202 recommendations to the board for final disposition in the case of  
203 teachers whose contracts are terminated. Such hearing shall commence  
204 within fifteen days after receipt of such request, unless the parties  
205 mutually agree to an extension, not to exceed fifteen days (A) before  
206 the board of education or a subcommittee of the board, (B) if indicated  
207 in such request or if designated by the board before an impartial  
208 hearing panel, or (C) if the parties mutually agree, before a single  
209 impartial hearing officer chosen by the teacher and the superintendent.  
210 If the parties are unable to agree upon the choice of a hearing officer  
211 within five days after their decision to use a hearing officer, the  
212 hearing shall be held before the board or panel, as the case may be. The  
213 impartial hearing panel shall consist of three members appointed as

214 follows: The superintendent shall appoint one panel member, the  
215 teacher shall appoint one panel member, and those two panel  
216 members shall choose a third, who shall serve as chairperson. If the  
217 two panel members are unable to agree upon the choice of a third  
218 panel member within five days after the decision to use a hearing  
219 panel, the third panel member shall be selected with the assistance of  
220 the American Arbitration Association using its expedited selection  
221 process and in accordance with its rules for selection of a neutral  
222 arbitrator in grievance arbitration. If the third panel member is not  
223 selected with the assistance of such association within five days, the  
224 hearing shall be held before the board of education or a subcommittee  
225 of the board. Within seventy-five days after receipt of the request for a  
226 hearing, the impartial hearing panel, subcommittee of the board or  
227 hearing officer, unless the parties mutually agree to an extension not to  
228 exceed fifteen days, shall submit written findings and a  
229 recommendation to the board of education as to the disposition of the  
230 charges against the teacher and shall send a copy of such findings and  
231 recommendation to the teacher. The board of education shall give the  
232 teacher concerned its written decision within fifteen days of receipt of  
233 the written recommendation of the impartial hearing panel,  
234 subcommittee or hearing officer. Each party shall pay the fee of the  
235 panel member selected by it and shall share equally the fee of the third  
236 panel member or hearing officer and all other costs incidental to the  
237 hearing. If the hearing is before the board of education, the board shall  
238 render its decision within fifteen days after the close of such hearing  
239 and shall send a copy of its decision to the teacher. The hearing shall  
240 be public if the teacher so requests or the board, subcommittee, hearing  
241 officer or panel so designates. The teacher concerned shall have the  
242 right to appear with counsel at the hearing, whether public or private.  
243 A copy of a transcript of the proceedings of the hearing shall be  
244 furnished by the board of education, upon written request by the  
245 teacher within fifteen days after the board's decision, provided the  
246 teacher shall assume the cost of any such copy. Nothing herein  
247 contained shall deprive a board of education or superintendent of the  
248 power to suspend a teacher from duty immediately when serious

249 misconduct is charged without prejudice to the rights of the teacher as  
250 otherwise provided in this section.

251 Sec. 6. Subsection (f) of section 10-262i of the general statutes, as  
252 amended by section 190 of house bill 6651 of the current session, is  
253 repealed and the following is substituted in lieu thereof (*Effective July*  
254 *1, 2011*):

255 (f) (1) [For] Except as otherwise provided under the provisions of  
256 subdivisions (3) and (4) of this subsection, for the fiscal year ending  
257 June 30, 2012, the budgeted appropriation for education shall be not  
258 less than the budgeted appropriation for education for the fiscal year  
259 ending June 30, 2011, plus any reductions made pursuant to section 19  
260 of public act 09-1 of the June 19 special session, except that (A) for the  
261 fiscal year ending June 30, 2012, any district with a number of resident  
262 students for the school year commencing July 1, 2011, that is lower  
263 than such district's number of resident students for the school year  
264 commencing July 1, 2010, may reduce such district's budgeted  
265 appropriation for education by the difference in number of resident  
266 students for such school years multiplied by three thousand, provided  
267 such reduction shall not exceed one-half of one per cent of the district's  
268 budgeted appropriation for education for the fiscal year ending June  
269 30, 2011, [ A town shall not be eligible to reduce its budgeted  
270 appropriation for education pursuant to this subdivision if the school  
271 district for the town is in its third year or more of being identified as in  
272 need of improvement pursuant to section 10-223e, and (A) has failed to  
273 make adequate yearly progress in mathematics or reading at the whole  
274 district level, or (B) has satisfied the requirements for adequate yearly  
275 progress in mathematics or reading pursuant to Section 1111(b)(2)(I) of  
276 Subpart 1 of Part A of Title I of the No Child Left Behind Act, P.L. 107-  
277 110, as amended from time to time] and (B) for the fiscal year ending  
278 June 30, 2012, any district that (i) does not maintain a high school and  
279 pays tuition to another school district pursuant to section 10-33 for  
280 resident students to attend high school in another district, and (ii) the  
281 number of resident students attending high school for such district for  
282 the school year commencing July 1, 2011, is lower than such district's

283 number of resident students attending high school for the school year  
284 commencing July 1, 2010, may reduce such district's budgeted  
285 appropriation for education by the difference in number of resident  
286 students attending high school for such school years multiplied by the  
287 tuition paid per student pursuant to section 10-33, provided such  
288 reduction shall not exceed one-half of one per cent of the district's  
289 budgeted appropriation for education for the fiscal year ending June  
290 30, 2011.

291 (2) [For] Except as otherwise provided under the provisions of  
292 subdivisions (3) and (4) of this subsection, for the fiscal year ending  
293 June 30, 2013, the budgeted appropriation for education shall be not  
294 less than the budgeted appropriation for education for the fiscal year  
295 ending June 30, 2012, except that (A) for the fiscal year ending June 30,  
296 2013, any district with a number of resident students for the school  
297 year commencing July 1, 2012, that is lower than such district's number  
298 of resident students for the school year commencing July 1, 2011, may  
299 reduce such district's budgeted appropriation for education by the  
300 difference in number of resident students for such school years  
301 multiplied by three thousand, provided such reduction shall not  
302 exceed one-half of one per cent of the district's budgeted appropriation  
303 for education for the fiscal year ending June 30, 2012, [ A town shall  
304 not be eligible to reduce its budgeted appropriation for education  
305 pursuant to this subdivision if the school district for the town is in its  
306 third year or more of being identified as in need of improvement  
307 pursuant to section 10-223e, and (A) has failed to make adequate  
308 yearly progress in mathematics or reading at the whole district level,  
309 or (B) has satisfied the requirements for adequate yearly progress in  
310 mathematics or reading pursuant to Section 1111(b)(2)(I) of Subpart 1  
311 of Part A of Title I of the No Child Left Behind Act, P.L. 107-110, as  
312 amended from time to time] and (B) for the fiscal year ending June 30,  
313 2013, any district that (i) does not maintain a high school and pays  
314 tuition to another school district pursuant to section 10-33 for resident  
315 students to attend high school in another district, and (ii) the number  
316 of resident students attending high school for such district for the

317 school year commencing July 1, 2012, is lower than such district's  
318 number of resident students attending high school for the school year  
319 commencing July 1, 2011, may reduce such district's budgeted  
320 appropriation for education by the difference in number of resident  
321 students attending high school for such school years multiplied by the  
322 tuition paid per student pursuant to section 10-33, provided such  
323 reduction shall not exceed one-half of one per cent of the district's  
324 budgeted appropriation for education for the fiscal year ending June  
325 30, 2012.

326 (3) [Notwithstanding the provisions of subdivisions (1) and (2) of  
327 this subsection, the] The Commissioner of Education may permit a  
328 district to reduce its budgeted appropriation for education for the  
329 fiscal year ending June 30, 2012, or June 30, 2013, in an amount  
330 determined by the commissioner if such district has permanently  
331 ceased operations and closed one or more schools in the district due to  
332 declining enrollment at such closed school or schools in the fiscal year  
333 ending June 30, 2011, June 30, 2012, or June 30, 2013.

334 (4) No town shall be eligible to reduce its budgeted appropriation  
335 for education for the fiscal years ending June 30, 2012, and June 30,  
336 2013, pursuant to this subsection if (A) the school district for the town  
337 is in its third year or more of being identified as in need of  
338 improvement pursuant to section 10-223e, and (i) has failed to make  
339 adequate yearly progress in mathematics or reading at the whole  
340 district level, or (ii) has satisfied the requirements for adequate yearly  
341 progress in mathematics or reading pursuant to Section 1111(b)(2)(I) of  
342 Subpart 1 of Part A of Title I of the No Child Left Behind Act, P.L. 107-  
343 110, as amended from time to time, or (B) the school district for the  
344 town (i) has been identified as in need of improvement pursuant to  
345 said section 10-223e, and (ii) has a poverty rate greater than ten per  
346 cent. For purposes of this subparagraph, "poverty rate" means the  
347 quotient of the number of related children ages five to seventeen,  
348 inclusive, in families in poverty in a school district, divided by the total  
349 school age population of such school district based on the 2009  
350 population estimate produced by the Bureau of Census of the United

351 States Department of Commerce.

352 Sec. 7. Section 10-66dd of the general statutes is repealed and the  
353 following is substituted in lieu thereof (*Effective July 1, 2011*):

354 (a) For purposes of this section, "school professional" means any  
355 school teacher, administrator or other personnel certified by the State  
356 Board of Education pursuant to section 10-145b.

357 (b) (1) Subject to the provisions of this subsection and except as may  
358 be waived pursuant to subsection (d) of section 10-66bb, charter  
359 schools shall be subject to all federal and state laws governing public  
360 schools.

361 (2) [At] Subject to the provisions of subdivision (5) of this  
362 subsection, at least one-half of the persons providing instruction or  
363 pupil services in a charter school shall possess the proper certificate  
364 other than (A) a certificate issued pursuant to subdivision (1) of  
365 subsection (c) of section 10-145b, or (B) a temporary certificate issued  
366 pursuant to subsection (c) of section 10-145f on the day the school  
367 begins operation and the remaining persons shall possess a certificate  
368 issued pursuant to said subdivision (1) or such temporary certificate  
369 on such day.

370 (3) The commissioner may not waive the provisions of chapters 163c  
371 and 169 and sections 10-15c, 10-153a to 10-153g, inclusive, 10-153i, 10-  
372 153j, 10-153m and 10-292.

373 (4) The state charter school governing council shall act as a board of  
374 education for purposes of collective bargaining. The school  
375 professionals and persons holding a charter school educator permit,  
376 issued by the State Board of Education pursuant to section 8 of this act,  
377 employed by a local charter school shall be members of the  
378 appropriate bargaining unit for the local or regional school district in  
379 which the local charter school is located and shall be subject to the  
380 same collective bargaining agreement as the school professionals  
381 employed by said district. A majority of those employed or to be

382 employed in the local charter school and a majority of the members of  
383 the governing council of the local charter school may modify, in  
384 writing, such collective bargaining agreement, consistent with the  
385 terms and conditions of the approved charter, for purposes of  
386 employment in the charter school.

387 (5) For the school year commencing July 1, 2011, and each school  
388 year thereafter, the Commissioner of Education may waive the  
389 requirements of subdivision (2) of this subsection for any  
390 administrator or person providing instruction or pupil services  
391 employed by a charter school who holds a charter school educator  
392 permit, issued pursuant to section 8 of this act, provided not more than  
393 thirty per cent of the total number of administrators and persons  
394 providing instruction or pupil services employed by a charter school  
395 hold the charter school educator permit for the school year.

396 (6) For the school year commencing July 1, 2011, and each school  
397 year thereafter, any administrator holding a charter school educator  
398 permit, issued pursuant to section 8 of this act, shall be authorized to  
399 supervise and conduct performance evaluations of any person  
400 providing instruction or pupil services in the charter school that such  
401 administrator is employed.

402 (c) School professionals employed by a local or regional board of  
403 education shall be entitled to a two-year leave of absence, without  
404 compensation, in order to be employed in a charter school provided  
405 such leave shall be extended upon request for an additional two years.  
406 At any time during or upon the completion of such a leave of absence,  
407 a school professional may return to work in the school district in the  
408 position in which he was previously employed or a comparable  
409 position. Such leave of absence shall not be deemed to be an  
410 interruption of service for purposes of seniority and teachers'  
411 retirement, except that time may not be accrued for purposes of  
412 attaining tenure. A school professional who is not on such a leave of  
413 absence and is employed for forty school months of full-time  
414 continuous employment by the charter school and is subsequently

415 employed by a local or regional board of education shall attain tenure  
416 after the completion of twenty school months of full-time continuous  
417 employment by such board of education in accordance with section 10-  
418 151.

419 (d) (1) An otherwise qualified school professional hired by a charter  
420 school prior to July 1, 2010, and employed in a charter school may  
421 participate in the state teacher retirement system under chapter 167a  
422 on the same basis as if such professional were employed by a local or  
423 regional board of education. The governing council of a charter school  
424 shall make the contributions, as defined in subdivision (7) of section  
425 10-183b for such professional.

426 (2) An otherwise qualified school professional hired by a charter  
427 school on or after July 1, 2010, and who has not previously been  
428 employed by a charter school in this state prior to July 1, 2010, shall  
429 participate in the state teacher retirement system under chapter 167a  
430 on the same basis as if such professional were employed by a local or  
431 regional board of education. The governing council of a charter school  
432 shall make the contributions, as defined in subdivision (7) of section  
433 10-183b for such professional.

434 (3) Any administrator or person providing instruction or pupil  
435 services in a charter school who holds a charter school educator permit  
436 issued by the State Board of Education pursuant to section 8 of this act  
437 shall participate in the state teacher retirement system under chapter  
438 167a pursuant to subdivision (2) of this section when such  
439 administrator or person providing instruction or pupil services obtains  
440 professional certification pursuant to section 10-145b.

441 Sec. 8. (NEW) (*Effective July 1, 2011*) Subject to the provisions of  
442 subdivision (5) of subsection (b) of section 10-66dd of the general  
443 statutes, as amended by this act, the State Board of Education, upon  
444 the request of the state charter school governing council, may issue a  
445 charter school educator permit to a person who is employed by a  
446 charter school as a teacher or administrator and does not hold the

447 initial educator, provisional educator or professional educator  
448 certificate if such person (1) achieves satisfactory scores on the state  
449 reading, writing and mathematics competency examination prescribed  
450 by and administered under the direction of the State Board of  
451 Education, or qualifies for a waiver of such test based on criteria  
452 approved by the State Board of Education, (2) achieves a satisfactory  
453 evaluation on the appropriate State Board of Education approved  
454 subject area assessment, and (3) demonstrates evidence of  
455 effectiveness. Such permit shall authorize a person to serve as an  
456 administrator or teacher in the charter school employing such person.  
457 Each such charter school educator permit may be renewed by the  
458 Commissioner of Education for good cause upon the request of the  
459 state charter school governing council employing such person at the  
460 time the charter for the school is renewed.

461 Sec. 9. Subsection (a) of section 10-153b of the general statutes is  
462 repealed and the following is substituted in lieu thereof (*Effective July*  
463 *1, 2011*):

464 (a) Whenever used in this section or in sections 10-153c to 10-153n,  
465 inclusive: (1) The "administrators' unit" means the [certified]  
466 professional employee or employees in a school district or charter  
467 school not excluded from the purview of sections 10-153a to 10-153n,  
468 inclusive, employed in positions requiring an intermediate  
469 administrator or supervisor certificate, or the equivalent thereof, or  
470 charter school educator permit, issued by the State Board of Education  
471 under the provisions of section 8 of this act, and whose administrative  
472 or supervisory duties, for purposes of determining membership in the  
473 administrators' unit, shall equal at least fifty per cent of the assigned  
474 time of such employee. Certified professional employees covered by  
475 the terms and conditions of a contract in effect prior to October 1, 1983,  
476 shall continue to be covered by such contract or any successor contract  
477 until such time as the employee is covered by the terms and conditions  
478 of a contract negotiated by the exclusive bargaining unit of which the  
479 employee is a member for purposes of collective bargaining pursuant  
480 to the provisions of this section. (2) The "teachers' unit" means (A) the

481 group of professional employees who hold a certificate or durational  
 482 shortage area permit issued by the State Board of Education under the  
 483 provisions of sections 10-144o to 10-149, inclusive, and are employed  
 484 by a local or regional board of education in positions requiring such a  
 485 certificate or durational shortage area permit and are not included in  
 486 the administrators' unit or excluded from the purview of sections 10-  
 487 153a to 10-153n, inclusive, and (B) the group of professional employees  
 488 who hold a certificate, durational shortage area permit issued by the  
 489 State Board of Education under the provisions of sections 10-144o to  
 490 10-149, inclusive, or a charter school educator permit issued by the  
 491 State Board of Education under the provisions of section 8 of this act,  
 492 and are employed by a charter school in positions requiring such a  
 493 certificate, durational shortage area permit or charter school educator  
 494 permit and are not included in the administrators' unit or excluded  
 495 from the purview of sections 10-153a to 10-153n, inclusive. (3)  
 496 "Commissioner" means the Commissioner of Education. (4) "To post a  
 497 notice" means to post a copy of the indicated material on each bulletin  
 498 board for teachers in every school in the school district or, if there are  
 499 no such bulletin boards, to give a copy of such information to each  
 500 employee in the unit affected by such notice. (5) "Budget submission  
 501 date" means the date on which a school district is to submit its  
 502 itemized estimate of the cost of maintenance of public schools for the  
 503 next following year to the board of finance in each town having a  
 504 board of finance, to the board of selectmen in each town having no  
 505 board of finance and, in any city having a board of finance, to said  
 506 board, and otherwise to the authority making appropriations therein.  
 507 (6) "Days" means calendar days."

|   |              |             |
|---|--------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |              |             |
| Section 1   | July 1, 2012 | 10-151b     |
| Sec. 2  | July 1, 2011 | New section |
| Sec. 3  | July 1, 2011 | New section |
| Sec. 4  | July 1, 2011 | 10-145b     |
| Sec. 5  | July 1, 2012 | 10-151(d)   |

|        |                     |             |
|--------|---------------------|-------------|
| Sec. 6 | <i>July 1, 2011</i> | 10-262i(f)  |
| Sec. 7 | <i>July 1, 2011</i> | 10-66dd     |
| Sec. 8 | <i>July 1, 2011</i> | New section |
| Sec. 9 | <i>July 1, 2011</i> | 10-153b(a)  |